

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, a Washington limited liability company, HUNTERS PROPERTY HOLDINGS, LLC, a Washington limited liability company; GREENUS BUILDING, INC., a Washington corporation; NORTHWEST LIQUOR AND WINE LLC, a Washington limited liability company, SRJ ENTERPRISES, d/b/a CAR TENDER, a Washington corporation, THE RICHMARK COMPANY d/b/a RICHMARK LABEL, a Washington company, ONYX HOMEOWNERS ASSOCIATION, a Washington registered homeowners association, MATTHEW PLOSZAJ, an individual, WADE BILLER, an individual, MADRONA REAL ESTATE SERVICES LLC, a Washington limited liability company, MADRONA REAL ESTATE INVESTORS IV LLC, a Washington limited liability company, MADRONA REAL ESTATE INVESTORS VI LLC, a Washington limited liability company, 12TH AND PIKE ASSOCIATES LLC, a Washington limited liability company, REDSIDE PARTNERS LLC, a Washington limited liability company, OLIVE ST APARTMENTS LLC, a Washington limited

Case No. 2:20-cv-00983-TSZ

[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION
(Case No. 2:20-cv-00983 TSZ) - 1

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liability corporation, BERGMAN’S LOCK
AND KEY SERVICES LLC, a Washington
limited liability company, on behalf of
themselves and others similarly situated,
SHUFFLE LLC d/b/a CURE COCKTAIL, a
Washington limited liability company, and
SWAY AND CAKE LLC, a Washington
limited liability company,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

This matter comes before the Court on Plaintiffs’ Motion for Class Certification (“Motion”). Having considered the Motion, Defendant’s response, and Plaintiffs’ reply, the Court hereby GRANTS the Motion as follows:

1. The Court hereby certifies the following Class, pursuant to Rule 23(c)(4):

All persons or entities who on June 9, 2020 (the “Class Date”), owned or managed real property in, had a licensed business in, or had an indoor residence in a building, in the area in the City of Seattle bounded by the following streets: Denny Way, East Pike Street, Thirteenth Avenue, and East Broadway (the “Class Area”). This definition excludes the City of Seattle and any departments or agencies of the City of Seattle.

2. The Court additionally certifies the following the Subclasses, also pursuant to Rule 23(c)(4):

1 All persons or entities who owned real property on the Class Date in the
2 Class Area (“the Property Owners Subclass”);

3 All persons or entities who owned a licensed business, located in the Class
4 Area on the Class Date, but are not members of the Property Owners
5 Subclass (“the Business Owners Subclass”);

6 All persons or entities who had an indoor residence in a building on the Class
7 Date in the Class Area but are members of the Property Owners Subclass
8 (“the Residents Subclass”).

9 3. The Court certifies the Class and the Subclass with regard to the issues identified
10 by Plaintiffs in Ex. 1 to the Declaration of Tyler Weaver in Support of Plaintiffs’ Motion for Class
11 Certification.

12 4. The Court finds that Plaintiffs have satisfied all elements of Rule 23(a) with regard
13 to the Class and each Subclass. The Class and each Subclass are so numerous that joinder of all
14 members is impractical, in accordance with Rule 23(a)(1). The Class and each Subclass have
15 common issues shared by all Class and Subclass members, in accordance with Rule 23(a)(2). The
16 Named Plaintiffs for each Class and Subclass are adequate representatives who are typical of the
17 Class and their respective Subclasses, in accordance with Rule 23(a)(3) and (a)(4).

18 5. Pursuant to Rule 23(c)(4) and 23(b)(3), the Court finds that common issues
19 predominate over individual issues with regard to the certified common issues.

20 6. Also pursuant to Rule 23(c)(4) and 23(b)(3), the Court finds that certifying the
21 common issues for the Class and each Subclass is superior to individual actions. The Court finds
22 that certification of the issues is likely to significantly advance the resolution of this case, by
23 achieving judicial economy and efficiency through advancing the resolution of common questions
24 of liability and nominal damages.

7. The Court appoints the following Plaintiffs as representatives of the Class: Hunters
Capital LLC, Hunters Property Holdings, LLC, SRJ Enterprises d/b/a Car Tender, The Richmark

Company d/b/a Richmark Label, Onyx Homeowners Association, Matthew Ploszaj, Wade Biller, Madrona Real Estate Services, LLC, 12th & Pike Associates LLC, Redside Partners LLC, Olive Street Apartments LLC, Bergman's Lock and Key Services LLC, Shuffle LLC d/b/a Cure Cocktail, and Sway & Cake LLC.

8. The Court appoints the following Plaintiffs as representatives of the Property Owners Subclass: Hunters Property Holdings, LLC, The Richmark Company d/b/a Richmark Label, Wade Biller, 12th & Pike Associates LLC, and Olive Street Apartments LLC.

9. The Court appoints the following Plaintiffs as representatives of the Business Owners Subclass: SRJ Enterprises d/b/a Car Tender, Bergman's Lock and Key Services LLC, Shuffle LLC d/b/a Cure Cocktail, and Sway & Cake LLC.

10. The Court appoints Plaintiff Matthew Ploszaj as representative of the Residents Subclass.

11. The Court appoints Calfo Eakes LLP as lead counsel for the Class and each Subclass.

DATED this _____ day of _____, 2022.

THE HONORABLE THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

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1 *Presented by:*

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